



1500 SW Arrowhead Road
Topeka, KS 66604-4027

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
22-TRAM-104-PEN

September 9, 2021

Tim Kates, Managing Member
Remco Demolition, LLC
24801 219th St
Leavenworth, KS 66048

This is a notice of a penalty assessment against Remco Demolition, LLC (Remco) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 6, 2021, by Kansas Corporation Commission Special Investigator B.T. Scott and Matt Adams. Penalties are assessed in accordance with the FY 2022 Uniform Penalty Assessment Matrix, approved by the Commission on June 29, 2021. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

IF YOU ACCEPT THE PENALTY: Remco has been assessed a \$7,850 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$7,850, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of Remco to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing. A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Remco must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$7,850 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

Before Commissioners: **Andrew J. French, Chairperson**
 Dwight D. Keen
 Susan K. Duffy

PENALTY ORDER

I. JURISDICTION

2. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the regulation

of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. Remco Demolition, LLC (Remco or Carrier) has private operating authority with the Commission and further operates under USDOT number 2171299.

5. There is no record of an authorized agent for Remco attending the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission.

6. Remco is a private motor carrier which primarily hauls logs, poles, beams, lumber, building materials, machinery, large objects, garbage, refuse, trash, and construction materials.

III. STATEMENT OF FACTS

7. Pursuant to the jurisdiction and authority cited above, on August 6, 2021, Commission Staff (Staff) Special Investigator B.T. Scott and Matt Adams conducted a safety compliance review of the operations of Remco. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigator identified ten (10) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 8, 2021, Remco required or permitted its driver, Heath Moore, to operate a CDL-required commercial motor vehicle, a 2013 GMC Sierra 3500, VIN ending in 114134, GVWR 13,025 lbs., pulling a 2021 Dolittle double-axle trailer, VIN ending in 048465, GVWR 14,000 lbs., in intrastate

commerce in from Tonganoxie, Kansas to Bonner Springs, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, Report Number: KSHP01492024, dated July 8, 2021, a copy of which is attached hereto as Attachment "B" and is hereby incorporated by reference. At the time of this transportation, Remco failed to implement a random alcohol and controlled substance testing program. The Carrier's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305, adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

- b. During the transportation described in paragraph a., above, Remco failed to maintain minimum records of inspection and maintenance on the commercial motor vehicle operated. The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.
- c. During the transportation described in paragraph a., above, Remco permitted its driver, Mr. Moore, to operate a commercial motor vehicle that had not been periodically inspected. The Special Investigators found two (2) violations of this type. The Carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R.

396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A 66-1,129.

Staff recommends a fine of \$750.

- d. During the transportation described in paragraph a., above, Remco failed to identify a Designated Employee Representative on the written Drug and Alcohol policy. The Carrier's failure to identify and disclose to employees a Designated Employee Representative on the Drug and Alcohol policy is in violation of 49 CFR 382.601(b)(1), adopted by K.A.R. 82-4-3b, and authorized by K.S.A. 66-1, 129. Staff recommends a fine of \$500.
- e. During the transportation described in paragraph a., above, Remco permitted its driver, Mr. Moore, to operate a commercial motor vehicle without a valid commercial driver's license. The Carrier's operations of using a driver without a valid commercial driver's license is in violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-2,125. The same violation was cited in Driver/Vehicle Examination Report Number MONKC1003269, dated December 2, 2020, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. Staff finds the carrier's use of a driver without a valid commercial's driver's license to be an intentional violation subject to enhanced penalty pursuant to K.S.A. 66-1,142b. In the Commission's Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, issued June 29, 2021, the Commission ordered: "Staff shall use the FY 2022 Uniform Penalty Assessment Table in recommending penalties for violations of Kansas Motor Carrier Safety

Statutes and Regulations, except for when Staff believes a deviation from the Uniform Penalty Assessment Table is merited." Staff recommends the Commission deviate from the FY 2022 Uniform Penalty Assessment Table and assess an enhanced fine of \$2,500.

- f. During the transportation described in paragraph a., above, Remco failed to conduct a post-accident test on its driver, Mr. Moore, for alcohol and controlled substance. The Carrier's failure to test its driver for alcohol and controlled substance as soon as practicable following a DOT recordable accident is a violation of 49 C.F.R. 382.303(a) and (b), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1, 129. Staff recommends a fine of \$1,000.
- g. On June 8, 2021, Remco required or permitted its driver, Ryan Morris, to operate a CDL-required commercial motor vehicle, a 2020 Kenworth T270, VIN ending in 385999, GVWR 26,000 lbs., in interstate commerce in from Kansas City, Kansas to Kansas City, Missouri. This trip is evidenced by a Weekly Time Sheet for Ryan Morris, dated June 7 to June 11, 2021, a copy of which is attached hereto as Attachment "D" and is hereby incorporated by reference. At the time of this transportation, Remco failed to maintain pre-employment inquiries into the driver's, Mr. Morris, driving record in the Mr. Morris' driver's qualification file. The Carrier's failure to maintain pre-employment inquiries into a driver's driving record in the driver's qualification file is a violation of 49 C.F.R. 391.51(b)(2), adopted by K.A.R.

82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$100.

- h. During the transportation described in paragraph a., above, Remco failed to maintain the responses of each State agency in the annual driver record inquiry required by 49 CFR 391.25(a). The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the responses in the annual driver record inquiry required by 49 CFR 391.25(a) is in violation of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$250.
- i. During the transportation described in paragraph a., above, Remco failed to maintain its driver's, Mr. Moore, medical examiner certificate in the driver's qualification file. The Carrier's failure to obtain and maintain a copy of its driver's medical examiner certificates in the driver's qualification file is a violation of 49 C.F.R. 391(b)(7), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. The Special Investigators request an enhanced fine as the same violation was cited in Driver/Vehicle Examination Report Number MONKC1003269, dated December 2, 2020, a copy of which is attached hereto as Attachment "C" and is hereby incorporated by reference. Staff recommends an enhanced fine of \$500.
- j. During the transportation described in paragraph a., above, Remco failed to require its driver to keep record of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a). The Special Investigators found fourteen (14) violations of this type. The Carrier's failure to require the

record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF'S RECOMMENDATIONS

8. Staff submitted a Report and Recommendation (R&R), dated August 23, 2021, attached hereto as Attachment "E" and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

9. Based upon the available facts, Staff recommends the Commission finds Remco committed ten (10) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

10. Additionally, Staff recommends a civil penalty of \$7,850 for ten (10) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

11. Staff further recommends that a representative from Remco be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

12. Staff further recommends Remco submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed

information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

13. Finally, Staff recommends that Remco submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

V. CONCLUSIONS OF LAW

14. The Commission finds it has jurisdiction over Remco pursuant to K.S.A. 66-1,108b because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

15. The Commission finds Remco committed ten (10) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

THE COMMISSION THEREFORE ORDERS THAT:

A. Remco Demolition, LLC, of Leavenworth, KS is hereby assessed a \$7,850 civil penalty for ten (10) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Remco is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Carrier is hereby ordered to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the

violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. Remco is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the Carrier to set up the appointment.

E. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Remco's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.²

G. If you do not request a hearing, the payment of the civil penalty of \$7,850 is due in thirty (30) days from the date of service of this Order. Payment of \$7,850 must be made through

² . K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a).

your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$7,850 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of Remco's motor carrier operating authority without further notice.³ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 09/09/2021




Lynn M. Retz
Executive Director

AAL

³ K.S.A. 66-1,105.

ATTACHMENT “A”

UNITED STATES DEPARTMENT OF TRANSPORTATION

		U.S. DOT#: 2171299 MC/MX#: 0	Legal: REMCO DEMOLITION LLC Operating (DBA):	Investigation Date: 08/06/21	
Investigation Type: Onsite Comprehensive Investigation			Location of Investigation: Company principal place of business (PPOB) Extent of Operations: Entire Operation		
Physical Address			Mailing Address		
7915 W 51st St Mission, KS 66202 United States			24801 219TH ST LEAVENWORTH, KS 66048-7131 United States		
Contact Information					
Contact Name: Tim Kates Email: [REDACTED] Phone: [REDACTED] Cell: [REDACTED] Fax: [REDACTED]					
Business and Financial					
Business Type: Limited Liability Corporation Gross Revenue: [REDACTED] For Year Ending: 07/22/20 Federal Tax ID: [REDACTED]					
Operation Classification and Type			Cargo		
Type of Operation: Non-HM Interstate Carrier, Non-HM Intrastate Carrier Operation Classification Private Motor Carrier Property – Non-Hazardous Materials			Garbage, Refuse, Trash, Construction, Building Materials, Machinery, Large Objects, Logs, Poles, Beams, Lumber		
Equipment			Driver Information		
	Owned	Term Leased	Trip Leased	Drivers	
Straight Trucks	6				Intrastate Interstate
Truck Tractors	5			< 100 Miles	20
Trailers	16			>= 100 Miles	
Power units used in the U.S.: 11 Percentage of time used in the U.S.: 100%				Average trip leased driver/month: 0 Drivers with CDL: 6 Total Drivers: 20	

Person(s) Interviewed**Name:** Tim Kates**Title:** Managing Member**Questions**

Questions about this report or the Federal Motor Carrier Safety or Hazardous Materials regulations may be addressed to the Federal Motor Carrier Safety Administration at:

1303 SW FIRST AMERICAN PL STE 200
TOPEKA, KS 66604-4040
Phone: (785) 271-1260
Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

<div>1. Primary: 382.305</div> <div>Failing to implement a random controlled substance and/or an alcohol testing program.</div> <div><div>A</div>Acute</div>	<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>1</td><td>1</td></tr></table>	Fed	State	Total		1	1	Fed	State	Total		1	1	<div>BASIC Impacted</div> <div>Controlled Substances/Alcohol</div>	<div>Rating Factor 2:</div> <div>Driver = Part 382</div>
Fed	State	Total													
	1	1													
Fed	State	Total													
	1	1													
<div>Example/Notes:</div> <div>Heath Moore</div> <div>07/08/2021</div> <div>Calendar - 2021</div> <div>Previous company that RemCo was signed up with was bought out by Concentra, but somehow RemCo didn't get moved to the new company.</div>		<div>Drivers/Vehicles</div> <table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>1</td><td>1</td></tr></table>		In Violation	Checked	1	1								
In Violation	Checked														
1	1														
<div>2. Primary: 396.3(b)</div> <div>Failing to keep minimum records of inspection and vehicle maintenance.</div> <div><div>C</div>Critical</div> <div>At least 10% of the number checked had violations</div>	<div>Violations Discovered</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>2</td><td>2</td></tr></table> <div>Checked</div> <table><tr><th>Fed</th><th>State</th><th>Total</th></tr><tr><td></td><td>5</td><td>5</td></tr></table>	Fed	State	Total		2	2	Fed	State	Total		5	5	<div>BASIC Impacted</div> <div>Vehicle Maintenance</div>	<div>Rating Factor 4:</div> <div>Vehicle = Part 396</div>
Fed	State	Total													
	2	2													
Fed	State	Total													
	5	5													
<div>Example/Notes:</div> <div>Unit 8017</div> <div>12/2/2021</div> <div>Roadside Inspection #MONKC1003269 shows multiple vehicle defects. None of the repairs are listed in the maintenance files.</div>		<div>Drivers/Vehicles</div> <table><tr><th>In Violation</th><th>Checked</th></tr><tr><td>2</td><td>5</td></tr></table>		In Violation	Checked	2	5								
In Violation	Checked														
2	5														
<div>3. Primary: 396.17(a)</div> <div>Using a commercial motor vehicle not periodically inspected.</div>	<div>Violations Discovered</div>	<div>BASIC Impacted</div> <div>Vehicle Maintenance</div>	<div>Rating Factor 4:</div> <div>Vehicle = Part 396</div>												



Critical

At least 10% of the number checked had violations

Fed	State	Total
	2	2

Checked

Fed	State	Total
	5	5

Example/Notes:

Unit [REDACTED], 2021 DOOL, KS Tag [REDACTED], Vin# [REDACTED] 048465
07/08/2021

Drivers/Vehicles

In Violation	Checked
2	5

4. Primary: 382.601(b)(1)

Written Drug & Alcohol Policy shall designate a DER (Designated Employee Representative).

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Heath Moore

07/08/2021

No DER established in Drug & Alcohol Policy. D&A policy is generic and not specific to Remco as a company.

Drivers/Vehicles

In Violation	Checked
1	1

5. Primary: 392.2

State Equivalent: KSA 8-2,125

Kansas - Operating a commercial motor vehicle without a valid commercial driver's license.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Example/Notes:

Heath Moore

Drivers/Vehicles

In Violation	Checked

Power Unit: 2013 GMC, KS Tag [REDACTED], Vin# [REDACTED] 114134, GVWR- 13,025lbs
Semi-Trailer: 2021 DOOL, KS Tag [REDACTED], Vin# [REDACTED] 048465, GVWR- 14,000 lbs
Date: 07/08/2021

1	5
---	---

6. Primary: 392.2
State Equivalent: 8-2,132(c)

Kansas - No person shall drive a CMV in violation of an OOS order.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Example/Notes:

Driver: Heath Moore

Date: 07/08/2021

Vehicle:

Power Unit: 2013 GMC, KS Tag [REDACTED], Vin# [REDACTED] 14134, GVWR- 13,025lbs

Semi-Trailer: 2021 DOOL, KS Tag [REDACTED] Vin# [REDACTED] 048465, GVWR- 14,000 lbs

Driver was placed OOS 12/2/2020 for no Class A CDL when required. Roadside inspection #: MONKC1003269. Driver failed to acquire a Class A CDL prior to operating on 7/8/2021.

Drivers/Vehicles

In Violation	Checked
1	5

7. Primary: 382.105
Secondary: 40.25(b)

Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Example/Notes:

Brian Gholson

Trip: 04/13/2021

Date of Hire: 02/26/2021

Drivers/Vehicles

In Violation	Checked
1	5

8. Primary: 382.303(b)

Failing to conduct post accident testing on driver for controlled substances.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	1	1

Example/Notes:

Heath Moore

07/08/2021

Fatality

Following a fatality collision, Heath Moore did a post accident drug screen. The screen was a UT10, not the required DOT 5 panel drug screen.

Drivers/Vehicles

In Violation	Checked
1	1

9. Primary: 391.21(a)

Using a driver who has not completed and furnished an employment application.

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	5	5

Example/Notes:

Heath Moore

12/02/2020

Heath Moore's application for employment does not meet the requirements found in 391.21.

Drivers/Vehicles

In Violation	Checked
2	5

10. Primary: 391.51(b)(2)

Failing to maintain inquiries into driver's driving record in driver's qualification file.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Example/Notes:

Ryan Morris

6/08/2021

No MVR obtained in the first 30 days.

Drivers/Vehicles

In Violation	Checked
1	5

11. Primary: 391.51(b)(4)

Failing to maintain the responses of each State agency to the annual driver record inquiry required by 391.25(a).

Violations Discovered

Fed	State	Total
	2	2

Checked

Fed	State	Total
	5	5

Example/Notes:

Heath Moore

07/08/2021

No or expired MVR in Driver Qualification file.

Drivers/Vehicles

In Violation	Checked
2	5

12. Primary: 391.51(b)(5)

Failing to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Violations Discovered

Fed	State	Total
	3	3

Checked

Fed	State	Total
	5	5

Example/Notes:

Heath Moore

07/08/2021

Heath Moore operated a CMV while RemCo failed to maintain a note relating to the annual review of the driver's driving record as required by 391.25(c)(2).

Drivers/Vehicles

In Violation	Checked
3	5

13. Primary: 391.51(b)(6)

Failing to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.

Violations Discovered

Fed	State	Total
	3	3

Checked

	Fed	State	Total
		5	5
Example/Notes: Heath Moore 07/08/2021 Heath Moore operated a CMV while the carrier failed to maintain a list or certificate relating to violations of motor vehicle laws and ordinances required by 391.27.	Drivers/Vehicles		
	In Violation		Checked
	3		5

14. Primary: 391.51(b)(7) Failing to maintain medical examiner's certificate in driver's qualification file.	Violations Discovered		
	Fed	State	Total
		1	1
	Checked		
	Fed	State	Total
		5	5
Example/Notes: Heath Moore 07/08/2021 No medical card.	Drivers/Vehicles		
	In Violation		Checked
	1		5

15. Primary: 391.51(b)(9) Failing to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).	Violations Discovered		
	Fed	State	Total
		3	3
	Checked		
	Fed	State	Total
		5	5
Example/Notes: Brian Gholson 04/21/2021 Brian Gholson operated a CMV while the carrier failed to place a note related to the verification of the medical examiner's listing on the National Registry of Certified Medical Examiners required by 391.23(m) in driver qualification file(s).	Drivers/Vehicles		
	In Violation		Checked
	3		5

16. Primary: 395.8(a)(1)

Failing to require a driver to prepare a record of duty status using the appropriate method.

Violations Discovered

Fed	State	Total
	14	14

Checked

Fed	State	Total
	175	175

Example/Notes:

07/08/2021

Heath Moore

No timecard was completed for that day. No logbook page was completed for that day.

Drivers/Vehicles

In Violation	Checked
2	5

17. Primary: 396.9(d)(2)

Failure to correct violations or defects listed on a motor vehicle roadside inspection report.

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Example/Notes:

Driver: Heath Moore

Dates: 12/02/2021 & 07/08/2021

Vehicle:

Power Unit: 2013 GMC, KS Tag [REDACTED], Vin# [REDACTED] 114134, GVWR- 13,025lbs

Semi-Trailer: 2021 DOOL, KS Tag [REDACTED], Vin# [REDACTED] 048465, GVWR- 14,000 lbs

Roadside inspection #: MONKC1003269 and KSHP01492024

Failure to correct:

Glazing on Windows

USDOT markings

Fire Extinguisher

Annual Inspection

Warning Devices

Drivers/Vehicles

In Violation	Checked
1	5

Safety Fitness Rating

Your proposed safety rating is: **CONDITIONAL** 1 UNSATISFACTORY rating factor and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory		
Factor 2: Driver = Parts 382, 383 and, 391	Conditional	1	
Factor 3: Operational = Parts 392 and 395	Satisfactory		
Factor 4: Vehicle = Parts 393 and 396 OOS Vehicles (CR): 0 Number of Vehicles Inspected (CR): 0 OOS Vehicles (MCMIS): 7 Number of Vehicles Inspected (MCMIS): 11 OOS Rate: 63.6%	Unsatisfactory		2
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	Not Rated		
Factor 6: Accident Factor = Recordable Rate Total Miles Operated: 86,124 Recordable Accidents: 1 Recordable Accidents/Million Miles: 11.61	Satisfactory	N/A	N/A

Effective date: You will receive an official notice of proposed safety rating from the Federal Motor Carrier Safety Administration in Washington, D.C. The Conditional rating will take effect 60 days after the date of the official notice.

However, if this rating improves a previous Unsatisfactory rating, it will become effective on the date of the official notice from the FMCSA headquarters.

You may request a safety rating upgrade based on corrective action under 49 CFR 385.17 and/or an administrative review under 49 CFR 385.15.

Change to safety rating based on corrective action: You may request a change to a safety rating under 49 CFR 385.17 at any time by providing evidence that you have taken actions to correct the deficiencies that resulted in the safety rating. You must make this request in writing to the Field Administrator for the FMCSA Service Center in which you maintain your principal place of business. A pending request for a change in safety rating under 49 CFR 385.17 will not delay the effective date of the rating.

Administrative Review: You may appeal your proposed safety rating in a petition filed under 49 CFR 385.15 if you believe FMCSA made an error in assigning your safety rating. You must submit your appeal within 90 days of the date of the proposed safety rating or within 90 days after denial of a request for a change in rating under section 385.17(i). If the safety rating improves a previous Unsatisfactory rating, it becomes effective immediately and you must submit your appeal within 90 days of the final safety rating. A petition under section 385.15 will not delay the effective date of the rating unless the Chief Safety Officer grants a stay.

You must submit your appeal in writing to: Chief Safety Officer, Federal Motor Carrier Safety Administration, 1200 New Jersey Ave., S.E., Washington, DC 20590-0001.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and

track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Controlled Substances/Alcohol

Process Breakdown: Roles and Responsibilities

1. Remco does not have a Random D&A Program in place. Remco's previous consortium was bought out by Concentra and an account with Consentra was not established. Without the D&A Program, Remco has no way to monitor or test its drivers.
5. Remco has a generic D&A policy in place. It is not DOT specific and does not contain the necessary DER (Designated Employee Representative). Without an appropriate D&A policy in place for its DOT drivers, Remco cannot hold them accountable.
8. Remco employed a CDL operator and allowed them to drive without doing the background investigation. Remco did not reach out to the former employers of their CDL drivers to ascertain compliance with D&A standards.
9. Remco does not have the assistance of a D&A Consortium. Following a fatality collision, they had a driver provide a controlled substance test, but it did not meet the requirements of post accident testing.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Roles and Responsibilities:

1. Seek out a D&A Testing Consortium, interview them and get all CDL vehicle operators established in a DOT Random Drug & Alcohol Program.
5. Once signed up with the consortium, develop a personalized DOT D&A Policy that meets the requirements of CFR 382.601.
8. When hiring CDL vehicle operators or transitioning current employees to CDL vehicle operators, perform the necessary background checks as found in CFR 40.25(b).
9. In the event of a collision requiring post accident D&A testing, make sure that your driver(s) submit to an appropriate DOT 5 panel drug screen. Utilize the knowledge of your D&A Testing consortium or reach out to the FMCSA or KCC with questions.

BASIC: Driver Fitness

Process Breakdown: Training and Communication

2. Remco was not aware of the license requirements for the different classes of CDL vehicles. They allowed a non cdl holder to operate and CDL required vehicle. Following a Roadside inspection where that fact was noted, Remco should have sought out answers or training to make those determinations.
6. State violation reference #2
7. Remco allowed an driver declared Out of Service to operate a CDL required CMV. A roadside inspection demonstrated the need and the situation was not resolved before the driver operated again.
10. Remco was not aware the requirements for employee drivers also applied to owners. Tim Kates did not have any application for employment and Heath Moore's application was not applicable to a CDL driver.
11. Remco was not aware that an initial MVR for CMV drivers needs to be obtained and put in the DQ file within the first 30 days.
12. Remco was aware that MVR's needed to be obtained annually, but failed to do so for all drivers.
13. Remco was not aware that each driver's record needs to be reviewed on an annual basis. There was no note relating to this review for the drivers that were employed more than a year.

14. Remco was not aware that each driver should provide a certification of violations annually. These certifications were not present for the drivers that were employed more than a year.
15. Remco were not routinely verifying their drivers had valid medical cards. Copies of these Certs were not in the DQ files.
16. Remco was not aware that when a driver presented a new Med Cert that they needed to go to the Nat'l Medical Registry and verify the number of the Examiner.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:

2. Utilize the CDL flowchart in the KCC Redbook if there are questions concerning CDL applicability
6. Obtain copies of CDL's from drivers and place them in the DQ files, thereby ensuring the appropriate license is present.
7. Correct any Out of Service issues prior to a driver operating a CMV
10. Make sure each CMV driver has completed, dated and signed and appropriate application for employment. An example can be found in the KCC Redbook.
11. When hiring a new driver, a new MVR should be obtained in the first 30 days of employment.
12. A new MVR shall be obtained annually on each CMV driver.
13. Annually each driver's record should be reviewed to see if they still qualify to operate a CMV and a note should be made. See page 18 in the KCC Redbook, bottom half.
14. Annually each driver should provide a certificate of violations for the previous 12 months. See page 18 in the KCC Redbook, top half.
15. Each time a driver obtains a new Medical Certificate, place a copy in the DQ file. Maintain 3 years worth.
16. Each time a driver obtains a new Medical Certificate, verify that the Medical Examiner is on the Nat'l Medical Examiner's Registry.

BASIC: Vehicle Maintenance

Process Breakdown: Monitoring and Tracking

3. Remco was not aware of the scope and time requirements of their maintenance records. Records were not complete and did not follow the Maintenance schedule.
4. Remco was not monitoring all the records to determine when vehicles needed Periodic Annual Inspections. They were also not aware that some of their vehicles required Annuals.
18. Remco had violations on a Roadside Inspection that were not fixed prior to being re-dispatched. Those same violations appear on a subsequent Roadside Inspection.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Monitoring and Tracking:

3. Motor carriers must maintain, or cause to be maintained, records for each motor vehicle they control for 30 consecutive days. Intermodal equipment providers must maintain or cause to be maintained, records for each unit of intermodal equipment they tender or intend to tender to a motor carrier. These records must include:
 - 1- An identification of the vehicle including company number, if so marked, make, serial number, year, and tire size. In addition, if the motor vehicle is not owned by the motor carrier, the record shall identify the name of the person furnishing the vehicle;
 - 2- A means to indicate the nature and due date of the various inspection and maintenance operations to be performed;
 - 3- A record of inspection, repairs, and maintenance indicating their date and nature;
4. Each CMV must have a Periodic Annual Inspection prior to the previous inspection expiring.
18. Any defects found and noted on a roadside inspection, must be repaired/replaced prior to the vehicle being re-dispatched.

BASIC: Hours-of-Service Compliance

Process Breakdown: Training and Communication

17. Remco was unaware that owner Tim Kates was required HOS. Kates is salaried and doesn't keep track of time.

Specific Recommended Remedies

To implement Safety Improvement Practices, the following list are recommended practices related to Training and Communication:

17. Utilize the short haul exception and fill out a time card for each day worked. Time in, time out, total hours. See page 20d in the KCC Redbook.

Recommendations

1. Acute and Critical Violations

Acute and/or Critical violations were recorded on this investigation report. These violations will impact your safety record.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six-year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six-year period.

2. Additional Information

Please visit the CSA outreach site for additional guidance: <https://csa.fmcsa.dot.gov>.

3. First

"For all Investigations:

Understand Why Compliance Saves Time and Money: Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

Document and Follow Through on Action Plans: Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

NOTICE: A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

NOTICE: 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years. The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information: <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities. Discuss with your employees/drivers the "Security Measures for Truck Drivers and Companies" which were provided and reviewed with motor carrier official. Motor carriers should visit the following website for more information:

<http://www.fmcsa.dot.gov/documents/Hijacking-Brochure.pdf>

FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012. The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents. Motor carriers currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include: (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases; (2) better applications of SMS

results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels; and, (3) more specific fact-based displays of SMS results on the SMS Web site. The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

For all Investigations that could result in a Notice of Claim:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review may be used to calculate any civil penalty proposed as a result of this review.

Attached to this report is Table 1, which identifies all the documented violations which were discovered during the course of this review.

For all Investigations resulting in serious violations:

Serious violations were recorded on this investigation report. These violations will impact your safety record. Furthermore, these violations may result in a follow-up investigation at a later date unless adequate evidence of corrective action is forwarded to our office:

US Department of Transportation
Federal Motor Carrier Safety Administration
Kansas Division
Jeff Ellett - Division Administrator
1303 First American Place, Suite 200
Topeka, KS 66604-4040

For all Investigations where the carrier has been involved in 2 or more recordable crashes:

The Division Administrator/State Director will continue to consider preventability when a motor carrier contests a proposed safety fitness rating. The motor carrier may deem that the recordable accident rate is not a fair means of evaluating its accident factor (Factor 6) on the CR report. If so, the motor carrier must submit the compelling evidence within seven calendar days if the proposed rating is Unsatisfactory and 10 calendar days if the proposed rating is Conditional to:

US Department of Transportation
Kansas Division
Jeff Ellett - Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

Compelling evidence must be limited to official police accident reports and official insurance accident investigation reports.

For all Investigations resulting in a proposed conditional or unsatisfactory rating:

385.15

If you believe the proposed rating is in error and there are factual and procedural issues in dispute, Part 385.15 (copy provided) outlines procedures for petitioning the Federal Motor Carrier Safety Administration for an administrative review of these findings. Your petition should be addressed to:

US Department of Transportation
Jack Van Steenburg - Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue SE,
Washington, DC 20590

385.17

In addition, a request for a revised rating based on corrective actions may be made at any time. Part 385.17 (copy provided) outlines the procedures for such a request. The request must be made in writing, must describe the corrective action taken and must include other documentation that may be relied upon as a basis for the requested change. Address your written request to:

US Department of Transportation
Max Strathman Midwestern Field Administrator
Federal Motor Carrier Safety Administration
4749 Lincoln Mall Drive, Suite 300-A
Matteson, IL 60443

Ensure that a CC copy of the letter is mailed to:

US Department of Transportation
Kansas Division
Jeff Ellett Division Administrator
Federal Motor Carrier Safety Administration
1303 First American Place, Suite 200
Topeka, KS 66604-4040

This letter should be submitted as soon as possible.

For all Investigations that did not result in a Cooperative Safety Plan:

The KCC requires that you prepare a corrective action plan, addressing the measures taken to correct all the violations identified within this report. Submit this letter within 30 days outlining the carrier s updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to:

Email: g.davenport@kcc.ks.gov
FAX: 785-271-3124

or mail:
Kansas Corporation Commission
Attn: Gary Davenport
1500 SW Arrowhead Rd
Topeka, KS 66604-4027"

4. **Acknowledgement**

"I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Remco Demolition LLC's operating authority and/or the impoundment of Remco Demolition LLC's commercial motor vehicles.

5. **Penalties**

"I understand that monetary penalties will be assessed as a result of violations found in this compliance investigation. The penalty schedule can be found at this web site: http://kcc.ks.gov/trans.penalty_assessment_table.htm

Carrier Name

Carrier Official"

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01492024
Inspection Date: 07/08/2021
Start: 8:40 AM CT End: 10:00 AM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048
USDOT#: 02171299
MC/MX#: 00000000
State#:

Phone#: [REDACTED]
Fax#: [REDACTED]

Driver: MOORE, HEATH L
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver:
License#: [REDACTED] State:
Date of Birth:

Location: LEAVENWORTH COUNTY - 103
Highway: EB U-73 AT 174TH ST
County:

MilePost:
Origin: TONGANOXIE, KS
Destination: BONNER SPRINGS, K
Shipper: CARRIER
Bill of Lading: NONE
Cargo: DIRT/ROCK/1993

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TR	GMC	2013	KS	[REDACTED]		[REDACTED] 114134	13,025			
2	ST	DOOL	2021	KS	[REDACTED]	8214	[REDACTED] 048465	14,000			

BRAKE ADJUSTMENTS

Axle #	1	2	3	4
Right	N/A	N/A	N/A	N/A
Left	N/A	N/A	N/A	N/A
Chamber	HYDR	HYDR	ELEC	ELEC

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.16	392.16	D	N		N	N	Failing to use seat belt while operating a CMV: Driver side seat belt in the locked tight position against B pillar
383.23A2	383.23A2	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 7/8/2021. Driver only has a class c DL and is required to have a class A CDL for the current combination
391.41A-FPC	391.41A-FPC	D	Y		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate. Previously Cited on [DATE]: No medical card could be located/provided and previously cited 12/2/20 MONKC1003269
396.17C	396.17C	1	N		N	N	Operating a CMV without proof of a periodic inspection: No decal or paperwork
393.60D	393.60D	1	N		N	N	Glazing permits < 70% of light: Front driver side window measured at 7%. Glazing also goes below AS1 line on windshield
392.2RG	392.2RG	1	N		N	N	State vehicle registration or License Plate violation: KS registration paperwork in CMV expired 4/1/20 KSA 8-143e
392.2RG	392.2RG	1	N		N	N	State vehicle registration or License Plate violation: KSA 8-143m CMV not tagged as commercial GVWR 13025
390.21TB	390.21TB	1	N		N	N	Carrier name and/or USDOT Number not displayed as required: USDOT and carrier name not displayed on either side of CMV
393.95A	393.95A	1	N		N	N	No/discharged/unsecured fire extinguisher: Unable to locate

Report Prepared By:
R. Clark

Badge #:
0149

Copy Received By:
HEATH MOORE

Page 1 of 4



02171299 KS KSHP01492024

X _____

X _____

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01492024
Inspection Date: 07/08/2021
Start: 8:40 AM CT End: 10:00 AM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048
USDOT#: 02171299
MC/MX#: 00000000
State#:

Phone#:
Fax#:

Driver: MOORE, HEATH L
License#:
State: KS
Date of Birth:
CoDriver:
License#:
State:
Date of Birth:

<u>Vio Code</u>	<u>Section</u>	<u>Unit</u>	<u>OOS</u>	<u>Citation #</u>	<u>Verify</u>	<u>Crash</u>	<u>Violations Discovered</u>
393.95F	393.95F	1	N		N	N	No / insufficient warning devices: Unable to locate. No triangles, fusees, or liquid burning flares
393.9TS	393.9TS	1	N		N	Y	Inoperative turn signal: Both front INOP due to collision
393.9H	393.9H	1	N		N	Y	Inoperable head lamps: Both are INOP due to collision
393.9	393.9	1	N		N	Y	Inoperable Required Lamp: Both front hazard lamps INOP due to collision
393.9	393.9	1	N		N	Y	Inoperable Required Lamp: Both high beams INOP due to collision
393.203C	393.203C	1	N		N	Y	Hood not securely fastened: Damaged due to collision
393.60C	393.60C	1	N		N	Y	Damaged or discolored windshield: Damaged due to collision
392.2IN	392.2IN	1	N		N	N	State Insurance Violation: Card found in vehicle shows expired 4/1/21
393.205C	393.205C	1	Y		U	N	Wheel fasteners loose and/or missing: Five of eight loose on axle 2 on driver's side. I was able to freely move with hand. Tightened on scene by Logan Tow for transport
393.81	393.81	1	N		N	Y	Horn inoperative: INOP due to collision/airbags
393.203A	393.203A	1	N		N	Y	Cab door missing/broken: Front driver side door unable to be secured due to collision
396.9D2	396.9D2	1	N		N	N	Failure to correct defects noted on previous inspection report: Previously cited for glazing on windows, USDOT markings, fire extinguisher, periodic inspection, warning devices on 12/2/20 MONKC1003269
393.9BRKLAMP	393.9BRKLAMP	2	Y		U	Y	Inoperative Brake Lamps: Both were INOP due to collision/unable to inspect
393.9TS	393.9TS	2	Y		U	Y	Inoperative turn signal: Both were INOP/unable to inspect due to collision
393.9	393.9	2	N		N	Y	Inoperable Required Lamp: All were INOP/unable to inspect due to collision
396.17C	396.17C	2	N		N	N	Operating a CMV without proof of a periodic inspection: No decal or paperwork could be located
393.43	393.43	2	Y		U	N	No/improper breakaway or emergency braking: Breakaway wire was cut and not attached to CMV. Trailer was weighed by Technical Trooper Armitage on scene and it weighed 3900 pounds.

Report Prepared By:
R. Clark

Sadge #:
0140

Copy Received By:
HEATH MOORE

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0217129/9 KS KSHP01492024

X

X

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01492024
Inspection Date: 07/08/2021
Start: 8:40 AM CT End: 10:00 AM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048
USDOT#: 02171299
MC/MX#: 00000000
State#:

Phone#:
Fax#:

Driver: MOORE, HEATH L
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: KS
State:

HazMat:

Placard: No Cargo Tank:

Special Checks: Post Crash;

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare HEATH MOORE "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: Obtains a Proper Medical Waiver. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* Pursuant to the authority contained in Title 49, CFR; K.S.A. 66-1,129; K.C.C. Reg. 82-4-3, I hereby declare the above marked unit(s) as "OUT OF SERVICE". No person and/or carrier shall permit and/or require the removal of the "OUT OF SERVICE" stickers or the operation of this motor vehicle until ALL out of service defects have been corrected. This Out of Service condition may result in the assessment of a Civil Penalty being issued against the Carrier indicated on this report. Driver Initials _____

* NOTE TO MECHANIC: The undersigned certifies that all mechanical defects listed on this report HAVE BEEN CORRECTED at the time of signature.

Signature Of Repairer X: _____ Facility: _____ Date: _____

**** DRIVER: THIS FORM IS REQUIRED TO BE RETURNED TO THE CARRIER BY REGULATION. **//** *CARRIER CERTIFICATION: All defects on this sheet must be corrected or acknowledged PRIOR TO RE-DISPATCH and then certified by a responsible carrier official who must sign below. RETURN THIS FORM WITHIN 15 DAYS to the Motor Carrier Division of the KANSAS HIGHWAY PATROL at the address listed at the top of this form.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
R. Clark

Badge #:
0149

Copy Received By:
HEATH MOORE

Page 3 of 4

X _____

X _____



02171299 KS KSHP01492024

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSHP01492024
Inspection Date: 07/08/2021
Start: 8:40 AM CT End: 10:00 AM CT
Inspection Level: I - Full
HM Inspection Type: Non-Bulk

REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048
USDOT#: 02171299
MC/MX#: 00000000
State#:

Phone#:
Fax#:

Driver: MOORE, HEATH L
License#:
Date of Birth:
CoDriver:
License#:
Date of Birth:
State: KS
State:

Inspection Notes

Case 2021-008227. CMV was involved in a fatal collision and a post-crash inspection was requested by the investigating Trooper. The CMV was located in the south ditch when I arrived on scene and the driver was taken to Providence Medical Center for a blood draw by Trooper Garver K-181. Trooper Garver spoke to the driver and the driver stated he didn't have a medical card and the driver was also found to not have a CDL class A for the combination he was operating. The front end of the CMV sustained heavy damage due to the collision so the front lights were unable to be checked. I was unable to check the rear lights on the CMV and trailer due to the vehicle being turned off and a download of the ACM needing to be downloaded at a later time by Technical Trooper Voigts. The combination was separated for towing purposes. Refer to inspection MONKC1003269 on 12/02/20 for fail to correct violations and driver violations for not having a Class A CDL and medical card on a previous inspection.

Special Studies No Special Study Data Recorded

Report Prepared By:
R. Clark

Badge #:
0149

Copy Received By:
HEATH MOORE

Page 4 of 4



02171299 KS KSHP01492024

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X _____

ATTACHMENT “C”

DRIVER/VEHICLE EXAMINATION REPORT

Query Central 3.4

Missouri State Highway Patrol
Commercial Vehicle Enforcement Division
Post Office Box 568
Jefferson City, MO 65102-0568
Phone: (573)526-6128 Fax: (573)526-4637

Report Number: MONKC1003269
Inspection Date: 12/02/2020
Start: 12:10 PM CT End: 12:38 PM CT
Inspection Level: II - Walk-Around
HM Inspection Type: None

REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048-7131
USDOT#: 02171299 Phone#: [REDACTED]
MC/MX#: 00000000 Fax#: [REDACTED]
State#: [REDACTED]

Driver: MOORE, HEATH L
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver: [REDACTED]
License#: [REDACTED] State: [REDACTED]
Date of Birth: [REDACTED]

Location: 13TH. AVE. / CLAY ST.
Highway: MO. HWY. 9
County: CLAY, MO

MilePost: [REDACTED] Shipper: SAME
Origin: KANSAS CITY, KS Bill of Lading:
Destination: NORTH KANSAS CITY Cargo: EQUIPMENT

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	New CVSA #	OOS#
1	TR	GMC	2013	KS	[REDACTED]	[REDACTED]	114134	13,500			
2	OT	STTT	2020	KS	[REDACTED]	[REDACTED]	125745	17,500			201811

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
392.2	392.2	D	N		N	N	Violation of Local Laws - Explain: fail to follow the posted truck route
383.23A2	383.23(a)(2)	D	Y		N	N	Operating a CMV without a CDL: Operating a CMV without a CDL on 12/02/2020
391.41A-F	391.41(a)	D	N		N	N	Operating a property-carrying vehicle without possessing a valid medical certificate.
390.21B	390.21(b)	1	N		N	N	Carrier name and/or USDOT Number not displayed as required
396.17C	396.17(c)	1	N		N	N	Operating a CMV without proof of a periodic inspection
393.9H	393.9(a)	1	N		N	N	Inoperable head lamps: left low beam
393.9TS	393.9(a)	1	N		N	N	Inoperative turn signal: left front / left rear
393.9BRKLAMP	393.9(a)	1	N		N	N	Inoperative Brake Lamps: left
393.95A	393.95(a)	1	N		N	N	No/discharged/unsecured fire extinguisher: none discovered
393.95F	393.95(f)	1	N		N	N	No / insufficient warning devices: none discovered
393.60D	393.60(d)	1	N		N	N	Glazing permits < 70% of light: 5% on drivers window / windshield tinted
396.17C	396.17(c)	2	N		N	N	Operating a CMV without proof of a periodic inspection
393.9TS	393.9(a)	2	Y		U	N	Inoperative turn signal: left
393.9BRKLAMP	393.9(a)	2	N		N	N	Inoperative Brake Lamps: left
392.9A1	392.9(a)(1)	2	Y		U	N	Failing to secure cargo as specified in 49 CFR 393.100 through 393.142

HazMat: No HM Transported.

Placard: No **Cargo Tank:**

Special Checks: Traffic Enforcement;

State Information:

AGENCY: NKCPD;

Report Prepared By:
A BOLIN

Badge #:
0027

Copy Received By:
HEATH MOORE

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02171299 MO MONKC1003269

X _____

X _____

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REMCO DEMOLITION LLC
24801 219TH ST
LEAVENWORTH, KS 66048-7131
USDOT#: 02171299 Phone#: [REDACTED]
MC/MX#: 00000000 Fax#: [REDACTED]
State#:

Driver: MOORE, HEATH L
License#: [REDACTED] State: KS
Date of Birth: [REDACTED]
CoDriver:
License#: State:
Date of Birth:

* I hereby declare HEATH MOORE "OUT OF SERVICE". No motor carrier shall permit or require this driver to operate any motor vehicle upon the highways until: Driver has CDL.

* I hereby declare the above vehicle(s)/drivers as "OUT OF SERVICE". No person shall remove the "OUT OF SERVICE" sticker(s) applied to this/these vehicle(s) or operate such vehicle(s) until the OUT-OF-SERVICE defect(s) has/have been repaired and vehicle(s) restored to a safe operating condition.

I certify that the above violation(s) was/were corrected.

Signature Of Repairer X: _____ Facility: _____ Date: _____

NOTICE TO DRIVER/MOTOR CARRIER: The motor carrier name that appears on this report must sign the certification and fax, mail to the Missouri State Highway Patrol, Commercial Vehicle Enforcement Division, P.O. Box 568, Jefferson City, MO 65102-0568 or Email to cvmemail@mshp.dps.mo.gov within 15 days. If no violations were discovered, you are NOT required to sign and return a copy of the report.

****Warning**** If this box is checked(☐) , A separate traffic citation was issued to the violator. Please refer to the issued traffic citation for additional information.

DO NOT send fine payment with the return of this report.

Signature Of Motor Carrier X: _____ Title: _____ Date: _____

Report Prepared By:
A BOLIN

Badge #:
0027

Copy Received By:
HEATH MOORE

Page 2 of 2



02171299 MO MONKC1003269

X _____

X _____

ATTACHMENT “D”

WEEKLY TIME SHEET

Ryan Morris

6-12-21

15 Min. Safety Meeting every Morning

KS

OK

ATTACHMENT “E”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

FROM: Mike Hoeme, Director of Transportation
Gary Davenport, Deputy Director of Transportation

DATE: August 23, 2021

SUBJECT: **Docket No. 22-TRAM-104-PEN**
In the Matter of the Investigation of Remco Demolition, LLC of Leavenworth,
Kansas Regarding the Violation of the Motor Carrier Rules and Regulations and
the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation
of Motor Carrier Authority.

EXECUTIVE SUMMARY:

Remco Demolition, LLC (Remco or Carrier) is a motor carrier possessing private operating authority from the Commission, primarily hauling logs, poles, beams, lumber, building materials, machinery, large objects, garbage, refuse, trash, and construction materials. Remco operates under USDOT 2171299. On August 6, 2021, Commission Staff Special Investigator B.T. Scott and Matt Adams conducted a safety compliance review of the operations of Remco. As a result of this investigation, the special investigator identified ten (10) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$7,850.

DISCUSSION AND ANALYSIS:

On August 6, 2021, Commission Staff Special Investigator B.T. Scott and Matt Adams conducted a safety compliance review of the operations of Remco. As a result of this investigation, the special investigator identified ten (10) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 10)

On July 8, 2021, Remco required or permitted its driver, Heath Moore, to operate a CDL-required commercial motor vehicle, a 2013 GMC Sierra 3500, VIN ending in 114134, GVWR 13,025 lbs., pulling a 2021 Dolittle double-axle trailer, VIN ending in 048465, GVWR 14,000 lbs., in intrastate commerce in from Tonganoxie, Kansas to Bonner Springs, Kansas. This trip is evidenced by a Driver/Vehicle Examination Report, Report Number: KSHPO1492024, dated July 8, 2021. At the time of this transportation, Remco failed to implement a random alcohol and

controlled substance testing program. The Carrier's failure to ensure that each driver selected for random alcohol and controlled substance testing has an equal chance of being selected each time selections are made is in violation of 49 C.F.R. 382.305, adopted by K.A.R. 82-4-3c and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$1,000.

Violation Two (2 of 10)

During the transportation described in Violation One, above, Remco failed to maintain minimum records of inspection and maintenance on the commercial motor vehicle operated. The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the required records of vehicle inspection, maintenance, and repair on the commercial motor vehicles owned for 30 days is in violation of 49 C.F.R. 396.3(b), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Three (3 of 10)

During the transportation described in Violation One, above, Remco permitted its driver, Mr. Moore, to operate a commercial motor vehicle that had not been periodically inspected. The Special Investigators found two (2) violations of this type. The Carrier's failure to conduct periodic (annual) inspections on commercial motor vehicles is a violation of 49 C.F.R. 396.17(c), adopted by K.A.R. 82-4-3j, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$750.

Violation Four (4 of 10)

During the transportation described in Violation One, above, Remco failed to identify a Designated Employee Representative on the written Drug and Alcohol policy. The Carrier's failure to identify and disclose to employees a Designated Employee Representative on the Drug and Alcohol policy is in violation of 49 CFR 382.601(b)(1), adopted by K.A.R. 82-4-3b, and authorized by K.S.A. 66-1, 129. Staff recommends a fine of \$500.

Violation Five (5 of 10)

During the transportation described in Violation One, above, Remco permitted its driver, Mr. Moore, to operate a commercial motor vehicle without a valid commercial driver's license. The Carrier's operations of using a driver without a valid commercial driver's license is in violation of 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 8-2, 125. The Special Investigators request an enhanced fine as the same violation was cited in Driver/Vehicle Examination Report Number MONKC1003269, dated December 2, 2020. Staff finds the carrier's use of a driver without a valid commercial's driver's license to be an intentional violation subject to enhanced penalty pursuant to K.S.A. 66-1,142b. In the Commission's Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table, issued June 29, 2021, the Commission ordered: "Staff shall use the FY 2022 Uniform Penalty Assessment Table in recommending penalties for violations of Kansas Motor Carrier Safety Statutes and Regulations, except for when Staff believes a deviation from the Uniform Penalty Assessment Table is merited." Staff recommends the Commission deviate from the FY 2022 Uniform Penalty Assessment Table and assess an enhanced fine of \$2,500.

Violation Six (6 of 10)

f. During the transportation described in Violation One, above, Remco failed to conduct a post-accident test on its driver, Mr. Moore, for alcohol and controlled substance. The Carrier's

failure to test its driver for alcohol and controlled substance as soon as practicable following a DOT recordable accident is a violation of 49 C.F.R. 382.303(a) and (b), adopted by K.A.R. 82-4-3c, and authorized by K.S.A. 66-1, 129. Staff recommends a fine of \$1,000.

Violation Seven (7 of 10)

g. On June 8, 2021, Remco required or permitted its driver, Ryan Morris, to operate a CDL-required commercial motor vehicle, a 2020 Kenworth T270, VIN ending in 385999, GVWR 26,000 lbs., in interstate commerce in from Kansas City, Kansas to Kansas City, Missouri. This trip is evidenced by a Weekly Time Sheet for Ryan Morris, dated June 7 to June 11, 2021. At the time of this transportation, Remco failed to maintain pre-employment inquiries into the driver's, Mr. Morris, driving record in the Mr. Morris' driver's qualification file. The Carrier's failure to maintain pre-employment inquiries into a driver's driving record in the driver's qualification file is a violation of 49 C.F.R. 391.51(b)(2), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$100.

Violation Eight (8 of 10)

h. During the transportation described in Violation One, above, record inquiry required by 49 CFR 391.25(a). The Special Investigators found two (2) violations of this type. The Carrier's failure to maintain the responses in the annual driver record inquiry required by 49 CFR 391.25(a) is in violated of 49 CFR 391.51(b)(4), adopted by K.A.R. 82-4-3g, and authorized by KSA 66-1,129. Staff recommends a fine of \$250.

Violation Nine (9 of 10)

During the transportation described in Violation One, above, Remco failed to maintain its driver's, Mr. Moore, medical examiner certificate in the driver's qualification file. The Carrier's failure to obtain and maintain a copy of its driver's medical examiner certificates in the driver's qualification file is a violation of 49 C.F.R. 391(b)(7), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. The Special Investigators request an enhanced fine as the same violation was cited in Driver/Vehicle Examination Report Number MONKC1003269, dated December 2, 2020. Staff recommends an enhanced fine of \$500.

Violation Ten (10 of 10)

During the transportation described in Violation One, above, Remco failed to require its driver to keep record of duty status for each 24-hour period using the method described in 49 C.F.R. 395.8(a). The Special Investigators found fourteen (14) violations of this type. The Carrier's failure to require the record of duty is a violation of 49 C.F.R. 395.8(a)(1), adopted by K.A.R. 82-4-3a, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find Remco committed ten (10) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

Additionally, Staff recommends a civil penalty of \$7,850 for ten (10) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from Remco be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

Staff further recommends Remco submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

Finally, Staff recommends that Remco submit to one follow-up safety compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for the review.

CERTIFICATE OF SERVICE

22-TRAM-104-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 09/09/2021.

Tim Kates, MANAGING MEMBER
Remco Demolition, LLC
24801 219th St
Leavenworth, KS 66048
peggy@recodemo.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe